

III. Remarks

This Response is being made to the Office Action mailed March 2, 2010.

A. Specification Objection

The examiner objected to the listing of inventors' names on page 1, lines 2-3. To overcome the objection, the Applicants have deleted the objected-to listing of inventors' names.

The specification has also been amended to properly reference an element in the drawings.

B. Claim Rejections

Claims 1-21 are pending in the present application. Of those claims, claims 1, 3, 4, 6 and 10-20 are allowed, and claims 2, 5, 7-9 and 21 are rejected. In this response, Applicant has amended claims 2, 4-5, 7-9 and 21.

1) Rejection of Claims 2, 5, and 7-9

Claims 2, 5 and 7-9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, because "it is unclear whether the claim element is a means (or step) plus function limitation that invokes 35 U.S.C. § 112, sixth paragraph. . . ." (Office Action mailed on March 2, 2010, page 2). Applicants have amended claims 2, 4, 5, and 7-9 to include "means for" language unmodified by structural limitations according to the Examiner's suggestion (Office Action, page 3). Accordingly, these amended claims 2, 5, and 7-9 no longer include functional language preceding the "means for." Although claim 4 was allowed, this claim was similarly

amended to replace the phrase “engagement and disengagement means” with “means for engaging and disengaging” as suggested by the Examiner with regard to claims 2, 5 and 7-9.

In addition to the above mentioned amendments, claim 1 was amended to correct a typographical error. This amendment is not intended to alter the scope of claim 1. Claim 7 was amended to depend from claim 6 instead of claim 1 as originally intended.

Because claims 2, 4-5 and 7-9 all depend from allowed claim 1, Applicants respectfully submit that these claims are now in condition for allowance.

2) Rejection of Claim 21

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Endelman (U.S. Patent 7,125,369) in view of Simonson (U.S. Patent 5,616,107). Applicants respectfully traverse. The limitations of claim 21 require a reformer exercise apparatus frame that is capable of being folded substantially in half. The cited references fail to disclose this limitation.

Although Applicants submits that claim 21 in its present form is allowable, Applicants have amended the claim language to correct typographical errors.

As amended, claim 21 discloses a method for storing and transporting a reformer exercise apparatus that involves “folding the reformer frame from an extended lateral position to an upright folded position.” An embodiment of such an “extended lateral position” is depicted in Figure 1, and an embodiment of such an “upright folded position” is depicted in Figure 2 of the specification. The claimed folding action transforms the head rail sections 201 and 203 and the foot rail sections 200 and 202 from an extended lateral position to an upright folded position. The method of claim 21 further discloses that this folding action is achieved in part by “lifting a portion of the frame from a point near the center of a rail.” This “point near the center of a rail” is depicted in Figure 2 by the lifting bar 250. Lifting the frame using the lifting bar 250 would

cause the first and second rails to bend at the hinges 240 that connect the head and foot rail sections. Thereafter, claim 21 discloses that the folding action is continued by rolling “the foot sections of the first rail and the second rail toward the head of the reformer frame until the reformer frame is in a folded upright position.” Therefore, in the final folded upright position as depicted in Figure 2, the right foot rail section 200 (an by implication the left foot rail section 202) is standing nearly upright and in close proximity to the head of the reformer frame, resulting in a reformer frame that is folded near the center of its rails.

In contrast, Endelman does not disclose such a frame-folding claim limitation. Instead, the storage position of the reformer exercise apparatus of Endelman only involves folding its trapeze frame down so that it lies on top of the Endelman apparatus’ frame. Figure 2 of Endelman depicts an embodiment of the apparatus in its operational position and Figure 3 depicts an embodiment of the apparatus in its storage position. To transform the apparatus from its operational position to its storage position, “[t]he U shaped trapeze frame may be pivoted in the bracket assemblies to a folded position so as to lie generally along the *top* of the reformer frame for compact storage.” (Endelman, col. 2, lines 60-63, emphasis added) Therefore, the method to transform Endelman’s apparatus from its operational position to its storage position is substantially different than the method recited by claim 21.

Specifically, Endelman does not disclose “folding the reformer frame from an extended lateral position to an upright folded position.” In Endelman, the folding action is applied to the *trapeze frame*, whereas claim 21’s folding action is applied to the *reformer frame*. Furthermore, after the folding action in Endelman, the reformer frame is unaltered and remains in an extended lateral position, whereas after the method of claim 21 the reformer frame is transformed from an extended lateral position to an *upright and folded* position.

Endelman also fails to disclose a folding action that comprises “lifting a portion of the frame from a point near the center of a rail” or rolling “the foot sections of the first rail and the second rail toward the head of the reformer frame until the reformer frame is in a folded upright position.” Both of these claim limitations of claim 21 involve actions being applied to the reformer frame, with the end result of performing these actions being a reformer frame that is folded substantially in half. Endelman’s folding action, however, is only applied to the trapeze frame, not to the reformer frame, and the end result of performing Endelman’s folding action is a trapeze frame that’s folded down onto reformer frame. In contrast, the method of claim 21 discloses folding the reformer frame in half. Accordingly, while the reformer frame of the Endelman apparatus itself remains substantially unchanged and extended, the reformer frame of claim 21 is in a “folded upright position” at the completion of the method described. In this way, the combination of Endelman with Simonson does not disclose all of the limitations of claim 21.

Because the combination of Endelman with Simonson does not disclose all the claim limitations of claim 21, Applicants respectfully submit that claim 21 is in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants submit that all pending claims are condition for allowance, and respectfully request that the Examiner pass this case on to allowance. If the Examiner believes that examination of the present application may be advanced by a telephonic interview, the undersigned may be reached at (213) 243-2653.

Respectfully submitted,
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Dated: June 2, 2010

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